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ABSTRACT

This report presents a summary of opinions on compulsory education from a variety of sources, discusses literature on the subject, and provides conclusions and recommendations. Based on study findings, the task force members concluded that while compulsory education is currently not a subject for discussion, compulsory attendance is. In addition, they emphasize that there is a need for a variety of structures and curriculums planned by both educators and students, and they urge that age be considered no barrier to entering or reentering the educational system. The report includes descriptions of some creative approaches to alternatives in education that could provide for the needed variety and assist in the reduction of those unfavorable conditions symptomatic of current school operations. (JF)

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REPORT

OF THE TASK FORCE ON COMPULSORY EDUCATION

NATIONAL EDUCATION ASSOCIATION

EA 004 461

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PREFACE

At its 1971 annual meeting, the NEA Representative Assembly referred the report of the NEA Task Force on Student Involvement to the Executive Committee and Board of Directors for implementation. One of the recommendations which accompanied the report called for the appointment of a task force on compulsory education:

> That a task force be appointed, composed of an equal number of students and teachers, to study the issue of compulsory education. The task force should investigate programs which provide for educational experiences outside the school, such as community action projects and work experiences.

Accordingly, in January 1972, the Task Force on Compulsory Education was appointed and began to work. The members represented both students and many parts of the teaching profession, and came from urban, suburban, and rural areas in all regions of the country: Julian D. Hudson, chairman, classroom teacher, Charlottesville, Virginia; David Almada, teacher, graduate education student, Los Angeles; Virgil Blanke, college teacher, Worthington, Ohio; Juanita Brice, classroom teacher, Flint, Michigan; Cheryl Epling, special education teacher, New Orleans; Angel Noe Gonzalez, superintendent of schools, Crystal City, Texas; Leonard Herrera, high school student, Los Angeles; Jacqueline Holland, classroom teacher, Tappan, New York; Ernest Horn, president, state association, and director, education student services, Indiana University; Rio Rita Jackson, reading teacher, Memphis; Marge Logisz, education student and NEA intern, Washington, D.C.; and Edward Wright, assistant superintendent for curriculum and instruction, Owensboro, Kentucky. NEA staff assisting the Task Force were Bernard McKenna, staff contact; Steve Nassau, legal consultant; Jane Power, writer; and Pat Mikes, administrative coordinator. NEA staff consultants to the Task Force were Boyd Bosma, Center for Human Relations; Charlotte Hallam, DuShane Fund; and Paul Haubner, Professional Rights and Responsibilities Commission.

The Task Force planned site investigations that would give the members a chance to get as many different viewpoints as possible on the topics considered. To do this, they went to urban, suburban, and rural areas in the Midwest, Southwest, Pacific Coast, Southeast, and East Coast. They talked with teachers, students, representatives of community and parent groups, administrators and officials of administrative groups, school board members, and college and university faculty members. They visited innovative schools and attended community meetings, school board meetings, and a national conference which considered suspensions and expulsions. They also studied literature on the subject. The information, opinions, and reasoning they gathered presented many sides of the issue of compulsory education. On the basis of these varied sources, the Task Force arrived at the positions reported here.

CONCLUSIONS

The evidence of witnesses and published reports led the Task Force to conclude that compulsory education is not a matter for decision at this time. Education is compulsory for everyone in American society today.

Decisions can be made, however, about compulsory attendance—that is, about whether to require people of certain ages to spend certain amounts of time in places (institutions) where they are expected to learn. Decisions can be made about whether compulsory attendance means that people should spend 6 hours a day, 30 hours a week, 36 weeks a year, in a building called a school—that is how it is interpreted in the majority of situations. Decisions can be made about whether it is better to measure the time a person has spent in the educational process or what he has learned—learning in the broad sense including knowledges, skills, attitudes, and behaviors.

A person can learn in a broad variety of arrangements of time and space. But the need for every person in our society to learn certain things—the fact that education is compulsory—cannot be questioned or altered. The American educational system has a responsibility to make sure each citizen knows and can do things that are absolutely essential for him.

The content of the education people need from the public educational institution varies according to their economic status and their plans for their lives. Some want to be able to begin a career when they finish public high school or community college. Some want a solid background from which to proceed to professional or preprofessional training in college. Some have the economic freedom to keep their options open, exploring different kinds of knowledge, reserving purely vocational decisions until after high school or even college.

Different people need education of different forms as well as different content. They learn best in different ways, within different structures of the educational institution.

Everyone, however, needs the guarantee that the school will offer him the kind of education he needs to carry out his plans. Everyone needs to know that when he leaves the school system he will be competent to survive, to look forward to a life free of the fear of hunger and cold. He must be enabled to earn or win the economic freedom to make some choices about his life if he was born without that freedom.

Everyone also needs respect for himself, his ideas, his opinions, his feelings. One way for the school staff to show that respect is to accord students more and more responsibility in making decisions about the school and about their own education as they grow older. Although the form and content of education must vary, the attitude of the staff towards the student must be unswerving human respect.

The Task Force concludes, therefore, that it is compulsory—to the welfare of the nation and its people—that every student have actual access to a variety of structures and curriculums, planned by educators and students. We conclude further that age must be no barrier to entering and reentering the educational system.

The keys to our conclusions, then, are these:

> There is no question but that all Americans require education; but as society's needs have come to change so rapidly there has also come the need for a much wider variety of alternatives for securing the required education; and many of these alternatives will need to be pursued in ways other than those by which most schools presently operate and are organized.

RECOMMENDATIONS

To provide for the variety called for above and to alleviate the conditions which led to these conclusions (conditions which will be described in some detail in subsequent sections) will require the most creative approaches to alternatives:

1. It will require vast new programs in the schools.
2. It will require major revision of present school curriculum.
3. It will require greatly altered teaching methods for many educational purposes.
4. It will require sharing with students decisions about these programs, curricula, and teaching methods.

5. It will require more and different types of school personnel to provide more individualization and personalization of the educational offering.

6. It will require major reorganization of the institution called school.

7. It will require that the concept of school include business, industry, social agencies, and the community at large.

8. It will require reorganization of the bases of financial support for education—local, state, and federal.

9. It will require massive increases in funds for education.

Contributions to these approaches can be made at all three levels of the United Teaching Profession: local, state, and national.

In the paragraphs that follow, the Task Force makes recommendations to the United Teaching Profession's three main divisions: the National Education Association, state education associations, and local education associations. Obviously, the charges are overlapping and some assigned to one division apply in some degree to one or both of the others. But it is our belief that if associations will turn their attention to at least those under the heading of their division, substantial progress can be made.

The National Education Association

:: Establish a Task Force to cooperate with the Council on Human Relations and the Council on Instruction and Professional Development in making available information on ways to provide education suitable for all students; including, but not limited to, the following alternatives:

How to establish structures for planning and operation of educational alternatives composed of teachers, students, administrators, and community people—including parents and out-of-school young people.

Alternative formats—students going outside the school for vocational education, community education, and academic education.

Things teachers and students can do without changing the formal structure of the school.

Student rights and responsibilities and ways to secure and maintain them.

Alternative schedules for education—ease of voluntary exit from and re-entrance to the educational process.

Securing representative local community participation in school governance and operation—on school boards and on school administrative and counseling staffs.

This information should be made available not only through communications media, but through institutes and seminars for association members and specific assistance to state and local association staffs.

:: Establish a staff committee to coordinate the implementation of NEA recommendations on alternative education.

:: Establish a clearinghouse for people working for change in schools to exchange ideas and support.

:: Encourage and assist local and state education associations to adopt policies and establish programs that translate this information into action.

:: Set up regional model schools as part of NEA's proposed teacher centers which provide students a wide variety of alternatives and also give students the responsibility for sharing substantive decisions about the form and content of their education.

:: Establish a coalition of national educational, civil rights, and minority organizations to bring about a broad level of response to expulsions, suspensions, tracking, involuntary transfer to special schools, and other forms of deprivation of educational opportunity.

:: Work to restrict the use of devices such as standardized tests that limit children's opportunities for learning experiences.
:: Take legal action to ensure the rights of all students to free public education in face of denial.
:: Provide legal aid to students who have been deprived of the education that is their right.
:: Give priority to securing establishment in every state of a teacher licensure and standards board on which teachers have a majority of representatives and which has a large degree of autonomy.
:: Encourage Student NEA to intensify its programs by which students influence the teacher education curriculum.

The State Education Associations

:: Examine their compulsory attendance laws and propose or support amendments necessary to give individual schools and systems the option to develop programs that provide alternatives to all students' spending specific hours, days, and weeks in school buildings; such amendments to include any necessary alterations in Average Daily Attendance or Average Daily Membership formulas for the allocation of funds.
:: Develop and support legislation and policies to establish ease of voluntary exit from and re-entrance to the educational process.
:: Press for establishment of area or regional schools that provide programs local districts can't offer.
:: Provide clearinghouses where people working for change in schools can exchange information and support. Feed the results into the national clearinghouse.
:: Adopt policies and establish programs that translate into action the available appropriate information about ways to provide education suitable for all students.
:: Provide legal aid to students who have been deprived of the education that is their right.
:: Work to restrict use of devices such as standardized tests that limit children's opportunities for learning experiences.

The Local Education Associations

:: Adopt policies and establish programs that translate into action ways to provide alternate education models suitable for all students.
:: Work to secure representative minority participation in school governance and operation—on the school board and on school administrative and counseling staffs.
:: Work for establishment of a staff-community-student commission to establish objectives for the educational process and evaluate programs designed to achieve those objectives.
:: Work to restrict the use of devices such as standardized tests that limit children's opportunities for learning experiences.
:: Utilize the resources of local FTA chapters to initiate establishment of councils on structure and curriculum, composed of teachers, counselors, students, administrators, and people from the community, to study alternative forms of school organization, draw up plans suitable to their school community, and move to put those plans into effect. We recommend that such initiation itself take the form most suitable to the community, whether negotiation, formation of coalitions, presentation of proposals, recruitment of outside resources, or a combination of these.
:: Training for students as student advocates, crisis intervenors, and counselors.
:: Support teams of teachers to develop one another's strengths.
:: Support teams of students to develop one another's strengths.
:: Teams of teachers responsible for educating specific groups of students.
:: Community people or groups of people (e.g., teams from business or industry) to provide students life-like experiences of a variety of types.
:: Realistic division of community agencies' responsibilities to young people (who does what best?).
:: Caucuses of students from different cultures to plan programs for themselves and interact on equal terms, exchanging ideas.
:: Cooperation with local employers to provide vocational training for actual jobs.
:: Combination of vocational and basic skill education.
:: Students working part-time on programs of community agencies or community action groups.
:: Regular opportunities for students and community people to teach the school staff about the students and community.
:: Magnet schools with different specialities in different parts of the district.

:: Work-study programs paying at least the minimum wage.
:: Introduction of modular scheduling as a tactic to accustom people to students' moving around freely.
:: Academic classes taught on-site at appropriate local facilities (e.g., museums).
:: Instruction through home radio and TV receivers with assignments, conferences, laboratories, and seminars to bring students and teachers together.
:: Students designing individual learning projects to carry out in the school or community.
:: Students teaching one another.
:: Teaching or explaining a subject to a younger student as a substitute for testing.
:: Flexible school day, school week, school year.
:: Establishment of easy voluntary exit from and entrance and re-entrance to the educational process.
:: Re-examination and any necessary redefinition of roles in the school community.
:: Study of school rules by representatives of all parts of the school community, followed by any necessary changes.
:: Accept education students for field study only on condition that the college or university demonstrate willingness to improve its curriculum.
:: Form a joint committee with students and members of the community to evaluate the results of all school programs, new or old, and discuss the goals of education.

In the remainder of this report, the Task Force explores two major challenges to compulsory attendance and some ways of interpreting attendance requirements. It then examines the responsibility of the American public educational institution to provide free public education to the individual citizen, and presents some ways this is presently denied—through dropout, suspension, and expulsion; through determining children's futures on the basis of their parentage; and finally through threats to the survival of the entire public school system. The report concludes with a delineation of some financial arrangements that bear on compulsory attendance and on the provision of free public education.

COMPULSORY ATTENDANCE: THE PUBLIC INTEREST IN UNIVERSAL EDUCATION

Legislators have long recognized the importance to the nation that all the citizens be educated; in fact, founders of the country, such as Thomas Jefferson, expressed the need for an educated citizenry:

> If a nation expects to be ignorant and free in a state of civilization it expects what never was and never will be. There is no safe deposit (for the functions of government) but with the people themselves; nor can they be safe with them without information.

One way the lawmakers tried to secure education for everyone was by passing compulsory attendance laws requiring every person within a certain age range to attend school for a certain number of days each year. Several states repealed their laws for a time after the Supreme Court in 1954 declared the operation of dual school systems for Black and white children to be unconstitutional. Every state except Mississippi now has such a law. Most such laws require children to attend school from the age of 7 until they are 16, although some require entry as early as 6 or as late as 8 and some do not allow termination until 17 or 18.

But challenges to such legislation have recently appeared in both court cases and in the thinking of scholars and educators. The following two sections explore two such major challenges.

COMPULSORY ATTENDANCE VS. EDUCATION OUTSIDE THE SCHOOLS

Aspects of the requirement that education take place within a school setting have been questioned in at least one recent court case, that of Wisconsin v. Yoder.[1] The case concerns the right of the Amish to take their children out of school after the eighth grade. Their objection to further schooling is religious, in that they believe that it will endanger the salvation of their children; it therefore rests on the First Amendment protection of religious freedom. The religious basis seems to make the case inapplicable to schools and students in general. The Supreme Court in fact specified that "a way of life, however virtuous

and admirable, may not be interposed as a barrier to reasonable state regulation of education if it is based on purely secular considerations." However, some of the Amish objections to the high school, as opposed to other forms of education, are shared by other groups: "The high school tends to emphasize intellectual and scientific accomplishments, self-distinction, competitiveness, worldly success, and social life with other students. Amish society emphasizes informal learning-through-doing, a life of 'goodness,' rather than a life of intellect, wisdom, rather than technical knowledge, community welfare rather than competition, and separation, rather than integration with contemporary worldly society." The state based its contention that the Amish should attend school until they are 16 years old on the fact that "some degree of education is necessary to prepare citizens to participate effectively and intelligently in our open political system if we are to preserve freedom and independence. Further, education prepares individuals to be self-reliant and self-sufficient participants in society." But both sides at trial agreed that "the value of all education must be assessed in terms of its capacity to prepare the child for life." The Amish in fact provide their children with the education that is compulsory for survival, although they do not operate schools. "Not only do the Amish accept the necessity for formal schooling through the eighth grade level, but continue to provide what has been characterized by the undisputed testimony of expert educators as an 'ideal' vocational education for their children in the adolescent years." The Court recognized "strong evidence that they are capable of fulfilling the social and political responsibilities of citizenship without compelled attendance beyond the eighth grade." The Court ascertained to its satisfaction that the children are not overworked and that their work is not injurious to their health. The Amish position is, furthermore, economically defensible: "Employment of Amish children on the family farm does not present the undesirable economic aspects of eliminating jobs which might otherwise be held by adults." In short, Amish children learn basic skills in the first eight years of public school; the education their community provides them after that, without schools, fulfills the purposes of the state in requiring school attendance, because it prepares them for life in their community. This, along with the religious basis of the Amish objection to secondary school, provided what the Court considered sufficient grounds to support the Amish position.

DESCHOOLING AMERICA, COMPULSORY ATTENDANCE, AND COMPULSORY EDUCATION

The Task Force also heard some discussion of the possibility of simply repealing compulsory attendance laws. Several witnesses expressed the opinion that the schools are dehumanizing and that compulsory attendance laws should be repealed in order to free children to develop themselves in more liberating environments. One said that teachers would be more free if they only taught people who were in class because they wanted to be there. "Compulsory attendance in a specified class, with a specified teacher—with no choice—is the worst part," one educator told the Task Force.

The Task Force also studied the works of Ivan Illich, who advocates abolishing the school altogether. Unlike the Amish, he does not support provision of eight years of schooling; also unlike the Amish, he wishes to end schooling for everyone, not just those who share his convictions.

Illich contends that the schools make knowledge a commodity for private ownership and an object for competition, and that they thus perpetuate economic injustice:

> An egalitarian economy cannot exist in a society in which the right to produce is conferred by the schools.... Neither the political nor the professional structure of our societies, East and West, could withstand the elimination of the power to keep entire classes of people from facts that could serve them.

He requires that we "distinguish education from schooling, which means separating the humanistic intent of the teacher from the impact of the invariant structure of the school."[2]

The Task Force asked witnesses throughout the country what they thought would result from abolishing compulsory attendance laws. In general, students, educators, and community people alike agreed that such laws would not be necessary if students thought schools provided the education they need. They also agreed that repeal alone, without previous thorough reform of the schools, would cause an initial mass exodus from the schools. The only disagreement in the testimony concerned the result of such an exodus. Some felt that it would stimulate the schools to revitalize their programs in order to attract the students

back; some of these and some others felt that young people would have an opportunity to design their own educational programs independently, in groups, or in connection with some organization or institution not necessarily a school. Some said it would give young people a chance to go to work and help their families.

Other witnesses said this idea was unrealistic: "I don't see how we can expect any kid to get a job without a high school diploma," said a teacher who had trouble getting firms to take in part-time students even as trainees paid by public money. Most Black and Chicano witnesses said that because of compulsory attendance laws, children from their communities receive more education than they would otherwise. They felt that this education is, nevertheless, inadequate for those who pursue it; many miss it altogether, regardless of legislation.

Some consequences of repeal can be seen in New Mexico, where compulsory attendance has been not abolished, but shortened. A new law permits young people to learn a vocation, secure a General Educational Development certificate, or enter some other educational program, instead of finishing high school. This plan appears to safeguard the provision of some education for every young person. The Task Force heard, however, that the law is interpreted to permit sending American Indian children to herd sheep as an alternate to finishing high school. Such "vocational education" differs from that provided Amish young people by their community in several respects. The Indian young people are likely to be encouraged to leave the school, according to one administrator. And many schools are so unsuitable to the needs of Indian students that they take the first chance to escape, regardless of whether it promises anything better. Finally, the vocational education involved is not designed to prepare young people to prosper; it is preparation for exclusion, rather than for freely chosen seclusion, as in the case of the Amish.

Mississippi, which has no compulsory attendance law, illustrates the effects of repeal more completely. The Department of Health, Education, and Welfare annually collects figures from each superintendent on the number of school age children in his district who do not attend school. Figures for October 1971, adjusted for districts not reporting, are—whites, 7,912; Blacks, 16,664; Spanish extraction or American Indian, 150; and race not specified, 3,721. Mississippi Governor Paul B. Johnson, citing a study of the status of education, concluded:

> Our children are not receiving as effective an education as they need, if they are to compete successfully in a world where they are going to have to make a living; and our economic development goals cannot be achieved unless we greatly strengthen our total educational system.[3]

The absence of a compulsory attendance law, in this instance, at least, appears to be harmful to the state and to its children in general; the statistics show that it is particularly harmful to Black children. The Mississippi Teachers Association, with support from the state's executive branch, is currently trying to get compulsory attendance legislation enacted.

MAKING ATTENDANCE REQUIREMENTS SERVE EDUCATION

Used as subordinate to learning requirements, attendance requirements can be positive. The Task Force learned of several such uses in alternative schools. A staff member in a school for dropouts stated that his school does not have a specific attendance requirement but instead specifies standards of performance in a given period of time; this, he said, has the effect of bringing the students to school much of the time. Other such schools the Task Force visited do require specific amounts of attendance: "You can't learn if you're not there," explained a staff member. "Too much permissiveness is irresponsible; it wastes kids' adolescence," said the head of a public alternative school. "We have two rules here: 'Come to school' and 'Stay off drugs.'" Another alternative school prorates the amount of participation in each course—students can get partial credit for accomplishing half or a fourth of a course.

EDUCATION AS A CONSTITUTIONAL RIGHT: THE INDIVIDUAL INTEREST IN UNIVERSAL EDUCATION

At the same time some are recommending deschooling society, education is being recognized as a Constitutional right, which can be infringed only after due process or when the state has not only a reasonable, but a compelling interest which supersedes the right—that is, when exercise of the right constitutes

a clear and present danger to the state. Some courts in the past considered education a privilege; even these, however, insisted that a public privilege cannot be arbitrarily withdrawn or withheld. The Supreme Court has moved towards establishing this right through a series of decisions. In 1929, the decision in Meyer v. Nebraska stated that—

> without doubt, (liberty) denotes not only freedom from bodily restraint, but also the right of the individual . . . to engage in any of the common occupations of life, to acquire useful knowledge, . . . and, generally, to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men.[4]

A better known and better developed formulation was presented in the 1954 decision on Brown v. Board of Education of Topeka:

> Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.[5]

More recently, the right to education has been referred to routinely in court decisions such as that in Ordway v. Hargraves:

> It would seem beyond argument that the right to receive a public school education is a basic personal right or liberty. Consequently, the burden of justifying any school rule or regulation limiting or terminating that right is on the school authorities.[6]

or Serrano v. Priest:

> Recognizing as we must that the right to an education in our public schools is a fundamental interest which cannot be conditioned on wealth, we can discern no compelling state purpose necessitating the present method of financing.[7]

LIMITATIONS ON EDUCATIONAL OPPORTUNITY: INFRINGEMENTS OF THE PUBLIC AND INDIVIDUAL INTEREST

Both the compulsory attendance laws that protect the interest of the state in having an educated populace and the individual's Constitutional right to an education are often infringed. Large numbers of children from disenfranchised groups never go to school, leave school before reaching the legal age, or attend with unlawful infrequency. Little or no attempt is made to require these children to fulfill the requirements of the compulsory attendance law. Because of this selective nonenforcement, large segments of the population remain uneducated and the interest of the state is not carried out. The individual's right is infringed by enforced separation of the student from the school through suspension and expulsion. It is regularly infringed, too, by scarcely less involuntary truancy and dropout of students from institutions that do not offer them the education they want and need, whether or not they fall within the age range for compulsory attendance.

Selective Nonenforcement

Compulsory attendance laws have varied and inconsistent effects in different communities, or simply in different cases. On the one hand, some witnesses pointed out, they are often used to harass community people who are annoying to the local authorities. Because they are legally liable for their children's failure to attend school with the prescribed regularity, they may be periodically fined or put in jail. The laws are similarly used to harass students who are embarrassing to school or other authorities in the community.

Other witnesses pointed out that compulsory attendance laws are often ignored when large numbers of children of oppressed groups are not attending school. According to the New York Times, 60,000 students in New York City are truant every day; attendance averages 83.5 percent. One witness pointed out to the Task Force that the rates vary with the population of the school: attendance averages about 48 percent in Benjamin Franklin High School, which contains a high proportion of Black and Puerto Rican students; at the Bronx High School of Science, where high grades and test scores in elementary school are prerequisite to entrance, it averages about 90 percent. The staff and facilities at Ben Franklin might be severely strained if twice as many students attended school every day.

Suspensions and Expulsions

These forms of exclusion from education are plainly visible, unlike those which appear voluntary, like dropout, or mechanical, like tracking. Because of their visibility, they have been at issue in many legal cases concerned with the right to education.

Several court decisions have taken note of the importance of education and the consequent weight of deprivation through suspension or expulsion. "I take notice that an extended enforced absence from the university results in irreparable harm to the student," said one judge in a case[8] involving an indefinite suspension at the post-secondary level that had in fact lasted 13 days. "Any action that effectively denies an education to a student must meet the minimum standards of due process.... An indefinite suspension is deemed the equivalent of an expulsion."[9] Similarly, according to the judge in the case of Soglin v. Kauffman,[10] "In the present day, expulsions from an institution of higher learning, or suspension for a period of time substantial enough to prevent one from obtaining academic credit for a particular term, may well be, and often is in fact, a more severe sanction than a monetary fine or a relatively brief confinement imposed by a court in a criminal proceeding." If the deprivation is this serious in the case of the young people who already have their high school diplomas, surely it is more so for elementary and secondary students. And in fact, the court in Sullivan v. Houston Independent School District[11] found that "if the punishment could be this severe, there is no question but that a high school student as well as a university student might well suffer more injury than one convicted of a criminal offense." The court in French v. Bashful[12] found that "although this is not a criminal proceeding so as to require counsel under the Sixth Amendment, nevertheless, the right to an education has become so vital in our present-day society that the procedure whereby one may lose this right should be heavily stocked with procedural safeguards." (Appropriate rights of due process in cases of suspension or expulsion are listed on pp. 38-42 of the Code of Student Rights and Responsibilities promulgated by the NEA Task Force on Student Involvement.)

Many young people are suspended or expelled because they refuse to conform to school regulations. Frequently they consider these regulations unconstitutional. This is demonstrated by the number of cases filed by or on behalf of students suspended or expelled because of their clothing, hairstyle, or publications.

In some districts, suspension is an alternative to corporal punishment; the student may be offered a choice between the two. The Task Force received no evidence that suspension in itself is an effective disciplinary measure—that is, that it improves students' behavior. "The administration just gives licks or suspends students instead of being creative," commented one witness. Suspension can, however, be used for many purposes and in many ways. One principal told the Task Force that he only suspends students when he and the family can work together to make the experience productive. In another city, a child can be suspended for 5 days for being in the hall without a pass. This city is establishing a special school for suspended and expelled students. A student advocate warned of the danger that all unwanted students will be shunted into special schools, segregated from the rest of the school community.

Throughout the South, Black students are being excluded from their school communities. NEA's Center for Human Relations has estimated that in one year, as many as 100,000 Black students in eight states may be out of school as a result of desegregation. NEA's Office of Teacher Rights surveyed 256 districts out of a total of 2,780 in 11 Southern states. These districts—less than 10 percent of the total—reported 24,866 suspensions or expulsions. The Task Force learned from the Teacher Rights Office that data on student displacements show four basic problems:

1. Higher proportions and larger numbers of Blacks than whites are displaced.

2. Teachers as well as students are likely to have problems in the districts where student displacements are occurring.

3. There are few if any effective local efforts to return students to school or solve the problems that caused the displacement.

4. Existing legal enforcement is ineffective in preventing or reversing the displacements.

In response to this information, NEA's Council for Human Relations called for a reduction in the displacements—suspensions, expulsions, absenteeism, and dropouts in systems that are being desegregated. The Council also advocated establishment of a national clearinghouse of information and the marshalling of obtainable resources and interested organizations to attack both the displacements and their causes.

"Attrition" Rates and the Dropout Problem

The Task Force found that it is not always possible to determine whether students are out of school as a result of suspension or expulsion, extended truancy, or dropping out. Students who leave school because it offers them little they can apply in their present or future lives, however, are just as surely deprived of education as those who are expelled. In many places the Task Force was presented with testimony or statistics showing that large proportions of students were out of school, whatever the reason. These high attrition rates are by no means confined to any one area of the country. The Task Force visited areas in the Southwest, for example, where most elementary students are Chicano or American Indian, but very few high school students are. School programs designed mainly for Anglos, combined with high rates of expulsion, had shifted the balance of population.

The New York State Commission on the Quality, Cost, and Financing of Elementary and Secondary Education presented the Task Force with figures on the chances of young people from minority groups to finish high school. The Commission pointed out that "Certain groups of students may be staying in school longer, but others are dropping out at an alarming rate." In New York City, 76.1 percent of the white students who entered ninth grade in 1967 entered twelfth grade in 1970; during the same period, 51.1 percent of the Black students and 44.8 percent of the "Spanish-surname" students remained from the ninth to the twelfth grade. Of 53,000 young people who dropped out of high school in New York State at this time, 25,000—48 percent—came from minority groups. Yet only 21 percent of those who had entered ninth grade belonged to these groups.[13]

New York City's attrition rate for white students—almost 25 percent—is itself hardly encouraging. The Task Force received evidence that many white middle class students feel the schools are not offering them usable education. According to a study conducted for the New York State Commission on Education,

> not only do minority youth express great dissatisfaction with and negative experiences in school but the middle class White students with whom the school curriculum, teacher aspirations and school resources are most directly concerned, also feel that schools are failing them. Many of these White students report that schools are having destructive effects on them.
>
> In our studies we found that in school after school upper middle class White students seem to have a deadened feeling in school.... Many students look at school solely as a vehicle for the promotion of their own youth culture—school offers them little else.[14]

Such students believe that they aren't getting the opportunity to develop as individuals. Their social and economic circumstances enable them to survive in the present society for the time being; in other respects, they share the educational aspirations of students from other backgrounds. They are concerned with improving conditions for others or with living in the kind of world that may develop in future. The education they want may be practical and political, or it may be in areas that have no occupational application but offer personal satisfaction. Some want to learn skills necessary for living and working with other people, for functioning as consumers, citizens, family members. Some want to prepare for the future predicted by some economists, in which present forms of work may well be only one, highly prized, way to spend time. These young people find that schools do not offer them the learning that is important to them. They find, more alarming, that the schools do not allow them any opportunity to choose what they will learn. They object to rules that have no apparent relation to the preservation of the learning process or that infringe their Constitutional rights. They seek experience in making decisions, in solving problems, and in the practice of responsibility. They believe the education they want is incompatible with requirements to gather in one place for six hours every day, or to listen and remember without responding. Many of these people continue studying on their own, attend free schools, start their own schools, or

begin college or other postsecondary study. A similar eagerness to learn what the student considers useful is demonstrated, in at least one large city, by the higher proportion of students from disenfranchised groups, and lower average attrition rate, in the commercial and vocational high schools than in the academic high schools.

Tracking

Another aspect of deprivation is the school's gatekeeping function. This is sometimes institutionalized through a formalized tracking system. In such a system, each child is given one of several pre-established sequences of courses according to what school personnel decide he will need later in life. Tracking systems appear to have the intent of sorting students and preparing them for very different kinds of careers, standards of living, ways of life—to determine, in short, what kind of life each will have. The federal court in the tracking suit of Hobson v. Hansen[15] observed that—

> For a student locked into one of the lower tracks, ... the limits on his academic progress, and ultimately the kind of life work he can hope to attain after graduation, are set by the orientation of the lower curricula. Thus those in the lower tracks are, for the most part, molded for various levels of vocational assignments; those in the upper tracks, on the other hand, are given the opportunity to prepare for the higher ranking jobs and, most significantly, for college.

Lower tracks are often nonfunctional. The Task Force asked one witness, discussing the position of mountain children in Appalachia, "Were they forced into a program that wasn't suitable for them?" The answer was, "They were forced into a program that wasn't suitable for anyone."

The judge in Hobson was convinced that the determination of which child shall have what life is not made on a defensible basis:

> The method by which track assignments are made depends essentially on standardized aptitude tests which, although given on a system-wide basis, are completely inappropriate for use with a large segment of the student body. Because these tests are standardized primarily on and are relevant to a white middle class group of students, they produce inaccurate and misleading test scores when given to lower class and Negro students. As a result, rather than being classified according to ability to learn, these students are in reality being classified according to their socio-economic or racial status, or—more precisely—according to environmental and psychological factors which have nothing to do with innate ability.

However, the judge, even in very properly disallowing the bases of track assignment and ordering that the track system be discarded, tacitly admitted the sorting function of the schools:

> (The track system) is designed to prepare some children for white-collar, and other children for blue-collar, jobs. Considering the tests used to determine which children should receive the blue-collar special, and which the white, the danger of children completing their education wearing the wrong collar is far too great for this democracy to tolerate.

The sorting function may not be formalized in a track system, but it is carried out nevertheless:

> The school system prepares bright young people to take their place in the bureaucratic order, and a second group of less bright people to fill the less prestigeous positions in the same order. This latter group is primarily composed of children from the non-white ethnic segments of the population, the marginal poor and other declasse elements of the society. Accordingly, the school may be considered a filtering and filing mechanism which labels each child as bright or stupid, competent or inept, worthy or unworthy. These labels ... create a reality of their own.[16]

The results of the gatekeeping function are evident. A representative of the Black community states:

> Black and other minority children come to school ready and eager to learn, yet they continue to graduate from high schools able to read only at an eighth-grade level. This doesn't happen because Black children are inferior. It happens because if they were taught to read at the proper levels, they would be able to compete for the same jobs as white children and the society wants to avoid that.[17]

In summary—the combined force of expulsion and dropout removes large proportions of minority group students from high schools before they graduate. Because of formal or informal tracking, many of those who do graduate hold an economically meaningless "general" diploma. A large number of poor whites, although a far smaller proportion, share their condition. These citizens—and others like them in cities and suburbs, in barrios and on reservations across the nation—lack the means to maintain themselves as members of the society. They lack the option either to secure an entry-level job before training for a higher position or to get postsecondary education before entering a job. They have, in short, no future in our society as it exists today, and little hope of helping change it. Students from the middle class, who have options, who can survive, also are turning their backs on the schools because of the values they exemplify. Together, these young people constitute a living mandate and resource for change.

ALTERNATIVE SCHOOLS: A QUESTION OF CONTROL

Recently, school systems have begun to establish alternative schools within the public system for students who find the structure and content of the regular schools highly objectionable—or whom the schools find objectionable. Such alternatives hold great promise that the public schools can provide solutions to many of the problems posed by the responsibilities of the educational system. But these can also present great dangers unless they are carefully planned, developed, and operated.

Jonathan Kozol describes the relevance to the oppressed of a kind of education frequently offered outside the regular public schools, in which

> competence (is) admitted only in those areas of basic handiwork and back-to-nature skill in which there is no serious competition from the outside world inasmuch as there is neither function, use, nor application in the social interlock in which we are obliged to live.... In the face of many intelligent and respected statements...on the subject of "spontaneous" and "ecstatic" education, it is simple truth that you do not learn calculus, biochemistry, physics, Latin grammar, mathematical logic, constitutional law, brain surgery or hydraulic engineering in the same spontaneous and organic fashion that you learn to walk and talk and breathe and make love. Hours and seasons, months and years of long, involved and—let us be quite honest—sometimes non-utopian labor in the acquisition of a single unit of complex and intricate attainment go into the expertise that makes for power in this nation. The poor and black, the beaten and despised, cannot survive the technological nightmare of the next ten years if they do not have this kind of expertise in their own ranks.[18]

An educator in a public school system that operates an alternative high school testified that—

> Minority people tend to view alternatives as a white copout, leaving regular schools to minority children. They consider the open classroom a way of not showing concern for the kids. Blacks suspect that alternatives won't prepare them to compete successfully. They want standardized tests so they can see how they will be judged. The Black kids got their own alternative school because they wanted more discipline, more structure, more academic learning.

Neil Postman points out that:

> Illich is certain that the present schooling process conspires against the poor and the disenfranchised. He virtually assures us (and them) that in a deschooled society such inequities as presently exist will disappear. But this is not how the poor see it—at least, not those I have sopken with. Ask them if they want to do away with schools; if they want, instead, a network of peers, and skill models, and educational resources; if the institution of school has lost all its legitimacy. They will tell you that what they want is better schools and better teachers, and control over both.[19]

Black people and other groups who have been excluded from authority want to make the decisions about the education of their communities. They don't want to be abandoned in regular schools, nor shunted into alternative schools, in which they cannot specify what kind of education will be provided. They do, according to testimony received, want to choose the kind of school and the kind of education their children will be provided. They want the power to make sure it is the education that is compulsory.

COMPULSORY ATTENDANCE AND SCHOOL FINANCE ARRANGEMENTS

Compulsory attendance laws have been buttressed by the fact that many formulas for distribution of state aid to schools allocate funds on the basis of average daily attendance (ADA). This makes it extremely desirable to have as many students as possible in school each day. In some situations, the laws are interpreted liberally, however. Such interpretation can be abused, as in some of the cases in which schools receive ADA money for students they have excluded as emotionally or otherwise unsuitable for attendance. Some such students are supposed to receive a minimum of an hour of instruction a week at home. In fact, they are not always assured of even that. If ADA laws can be so interpreted as to admit of such a deprivation, interpreting them to increase learning opportunities also is possible. The Task Force visited one alternative school where students are considered present for ADA purposes if they telephone in from the site of learning activity.

Present arrangements for defining attendance are not necessarily a permanent feature of school finance, in any event. In fact, the bases on which schools obtain funds may change considerably in the near future. Taxes for schools which vary with the taxable wealth of a local district (as well as with its willingness to tax itself) have been declared by courts in some states to be unconstitutional because they result in unfair educational opportunity. The decision of the California Supreme Court in the case of Serrano v. Priest, and similar decisions in cases elsewhere may require revision of school finance systems, state by state, across the nation. Just what kinds of revision states may adopt is not yet clear. There is no reason to assume, however, that ADA measurements involving a student's physical presence full-time at a building called a school will remain part of new systems. Educational flexibility will increase greatly if physical presence loses its present significance as the basis of a substantial part of the district's income.

INSTABILITY OF FUNDING

Several of the people who oppose repeal of compulsory attendance laws contended that many schools, particularly those serving oppressed populations, would probably close after the first exodus. The Serrano v. Priest case brought out the inequities that form a regular part of the present school finance system: The Rio Bravo Elementary District, for example, raises $1,545 per pupil by taxing itself at a rate of $1.05, while the Baldwin Park Unified District, which taxes itself at a rate of $5.48, only raises $577 per pupil. Extraordinary situations in the schools are likely to further exaggerate the disparities in financial support. When large numbers of students leave the public school system, school funds often follow the white students; an example is "the move, in 1970, by the (current) administration to clear the way in court for the federal government to give tax exemptions to white private and parochial schools, with a corresponding drop in public support for public schools where black students enrolled."[20] In fact,

> The NEA has found that public buses are frequently used to carry students to private schools some of which are former public school buildings, now leased or sold to private interests. Textbooks and other school equipment bought with public money are sometimes loaned or given to private academies....
>
> Public school tax rates are often lowered after whites abandon the system—leaving the remaining black schools in a financial bind, guaranteed to produce failure.[21]

"Some people would do away with the public schools to avoid integration," said one witness, pointing out that this had actually occurred in some Southern states. A West Coast educator pointed out two groups who are working to abolish compulsory attendance laws: "The 'left wing' wants kids to be free, and the 'right wing' wants to cut the property tax and support private schools. Compulsory attendance is a poor way to get people educated, but the present society isn't likely to support viable alternative systems for minority groups."

POSTSCRIPT

The Task Force believes that all Americans require education.

There are many avenues, some yet unexplored, to achieving such required education. Some promising ideas appear in the recommendations at the beginning of this report. And the Task Force is confident that the great mass of dedicated teachers and other staff members in American schools will continue to work toward their implementation.

But the adverse conditions identified in the preceding sections indicate that good ideas, no matter how promising, will be much less than fully implemented until a number of conditions are changed. It therefore behooves the public as well as the profession to assess again their priorities, attitudes, and allocation of resources so that those things which are desirable and possible soon become operable.

Footnotes

[1]Wisconsin v. Yoder, 40 LW 4476. No. 70-110, May 16, 1972.
[2]Illich, Ivan. "The Alternative to Schooling." Saturday Review, June 19, 1971, pp. 60, 48, 45.
[3]Mississippi Teachers Association. "Resident School Age Children Not Enrolled in School."
[4]Meyer v. Nebraska, 262 U.S. 390,399.
[5]Brown v. Board of Education, 74 S.Ct., 686,691.
[6]Ordway v. Hargraves, D.C. Mass, Civil Action No. 71-540-C (March 11, 1971).
[7]Serrano v. Priest, L.A. 29820.
[8]Stricklin v. Board of Regents of University of Wisconsin, 297 F.Supp. 416,422.
[9]Madera v. Board of Education of New York, 386 F. 2nd 778, 784 (C.A. 2. 1967).
[10]Soglin v. Kauffman, 295 F.Supp. 978, 988.
[11]Sullivan v. Houston Independent School District, 307 F.Supp. 1328,1344.
[12]French v. Bashful, 303 F.Supp. 1333,1337 (1969).
[13]Report of the New York State Commission on the Quality, Cost, and Financing of Elementary and Secondary Education, 1972. p. 1.41.
[14]Guskin, Alan E., and others. High Schools in Crisis: A Study of the Organizational Crises in New York State High Schools. Ann Arbor: Community Resources Limited, 1971. p. 8.
[15]Hobson v. Hansen, 269 F.Supp. 401 (1967).
[16]Harvey, David L., and Heiny, Robert W. "The Teacher as Social Critic." Peabody Review of Education, January 1972, p. 111.
[17]Thomas, Arthur E. "Can They Do These Things to Us?" (Special RAP section.) Dayton: Center for the Study of Student Citizenship, Rights and Responsibilities, n.d.
[18]Kozol, Jonathan. Free Schools. Boston: Houghton Mifflin Co., 1972. pp. 59, 60.
[19]Postman, Neil. "My Ivan Illich Problem." Social Policy, January/February 1972. pp. 35-36.
[20]Yette, Samuel. The Choice. New York: E. P. Putnam & Sons, 1971. p. 205.
[21]Poinsett, Alex. "The Dixie Schools Charade." Ebony 26:147,148; August 1971.